Workplace Safety and Insurance Appeals Tribunal

505 University Avenue 7th Floor
Toronto ON M5G 2P2
Tel: (416) 314-8800
Fax: (416) 326-5164
TTY: (416) 212-7035
Toll-free within Ontario:
1-888-618-8846

Web Site: www.wsiat.on.ca

Tribunal d'appel de la sécurité professionnelle et de l'assurance contre les accidents du travail

505, avenue University, 7e étage
Toronto ON M5G 2P2
Tél. : (416) 314-8800
Téléc. : (416) 326-5164
ATS : (416) 212-7035
Numéro sans frais dans les limites de l'Ontario : 1-888-618-8846

Site Web : www.wsiat.on.ca

Ontario

Workplace Safety and Insurance Appeals Tribunal

Quarterly Production and Activity Report

October 1 to December 31, 2016

Caseload Reduction: Update and Progress 2
Case Management Summary 2
Production Tables and Charts 4

Caseload Reduction: Progress

The Tribunal is working to reduce the caseload and improve the time to hearing and appeal resolution. This work is showing positive results: the active inventory declined during 2016 by 13.5%.

The trends are positive:

- there are more adjudicators on the roster;
- more cases were resolved in during 2016 than in 2015;
- the number of incoming appeals has decreased from peak years; and
- the active inventory declined during 2016.

What to expect in 2017:

- new Vice-Chairs and Members joining the OIC team;
- a continued focus on reasoned decisions;
- a pilot project to substantively review cases earlier in the process; and
- a pilot project to assess video-conferencing.

Timelines:

- With the decline in the active inventory, timelines to hearing are forecast to gradually improve in 2017.
- During 2016, the time to first offered hearing date was 19.0 months (from the time an appeal is confirmed hearing ready).

Thank you for your continued support and cooperation as the Tribunal works to reduce the timelines to hearing and resolution.

If there are questions about timelines in a particular case, please contact the Tribunal's Call Centre at 416-314-8800.

Representatives are asked to avoid late or last minute adjournment requests and withdrawals. Providing sufficient notice of concerns with a hearing date enables the Tribunal to reallocate adjudicator resources to other appeals and effectively use adjudicator time.

As an adjudicative agency in Ontario, and the final level of appeal in the WSI system, the Tribunal focusses on quality adjudication and reasoned decisions, supported by strong process, developed and implemented consistent with the rules of natural justice.

Case Management Summary

At the end of the fourth quarter 2016, the active inventory totaled 8,156 appeals. This is a reduction from the active inventory at the end of the 2015, which was 9,434 appeals.

Incoming Appeals

Incoming appeals for Q4-2016 numbered 903; of these, 764 were appeals from WSIB decisions, and 139 appellants advised they were ready to proceed to hearing following a period of inactive status. In 2015, incoming appeals averaged 1,097 per quarter.

The weekly average of hearing-ready appellants in Q4-2016 is 74. This figure excludes cases reactivated from the Inactive status. In 2015, the weekly average of hearing-ready appellants was 76, excluding reactivations.

Dispositions

Dispositions in the fourth quarter of 2016 totaled 1,328. This includes 406 dispositions in the pre-hearing areas resulting from dispute-resolution (ADR) efforts, and 922 after-hearing dispositions; of the after-hearing dispositions, 900 followed from Tribunal decisions.

OIC Adjudicator Roster

During 2016, 16 new part time Vice-Chairs and 3 new part time Members were appointed to the Tribunal. At the end of December, the Vice-Chair roster had increased to 67.

Inactive Inventory

At the end of Q4-2016, the inactive inventory was 1,685 cases. The inactive inventory at the end of the third quarter in 2016 was 1,717 cases.

Decisions Released within 120 Days

For the year to date ending Q4-2016, 92% of final decisions were released within 120 days. Comparisons to earlier years can be found in section F: Production Charts.

The Notice of Appeal Process

The Tribunal's Notice of Appeal (NOA) process places responsibility in the hands of the parties and representatives to advance a case, and requires appellants to confirm their readiness to proceed (by filing a Confirmation of Appeal) with their appeals within two years of completing the NOA. The notice (NOA) inventory includes "dormant" cases that are tracked as part of the Tribunal's case management. Many are expected to close as abandoned appeals after a two-year period expires. At the end of the fourth quarter of 2016, the notice inventory included 1,226 dormant cases, the active inventory declined to 8,156 cases, and the inactive inventory declined to 1,685 cases.

Production Tables and Charts

A. Active Inventory End of Quarter

Period	Active Inventory
Q1-2015	9089
Q2-2015	9312
Q3-2015	9407
Q4-2015	9434
Q1-2016	9300
Q2-2016	8938
Q3-2016	8650
Q4-2016	8156

B. Incoming Appeals

Period	Incoming Appeals
Q1-2015	1159
Q2-2015	1149
Q3-2015	1026
Q4-2015	1054
Q1-2016	969
Q2-2016	954
Q3-2016	920
Q4-2016	903

C. Dispositions

Period	Dispositions – Total	Pre-hearing	After Hearing
Q1-2015	1001	330	671
Q2-2015	1046	330	716
Q3-2015	1045	330	715
Q4-2015	1164	360	804
Q1-2016	1217	402	815
Q2-2016	1323	420	903
Q3-2016	1203	348	855
Q4-2016	1328	406	922

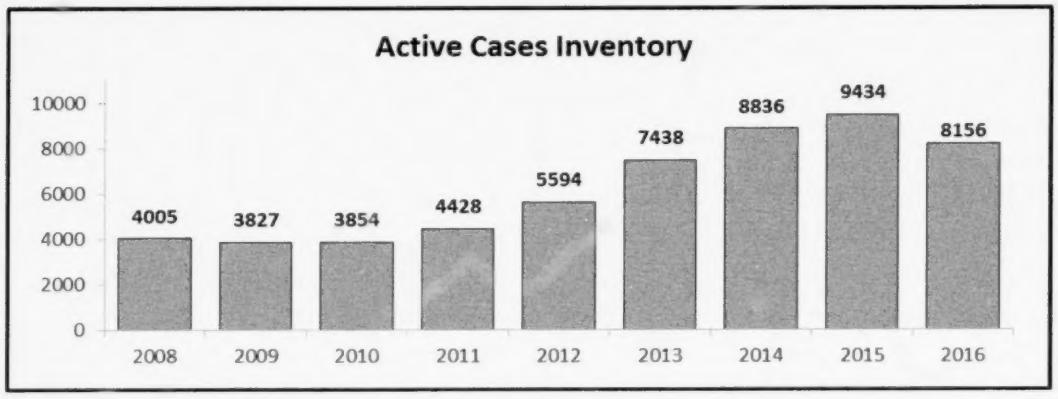
D. Inactive Inventory

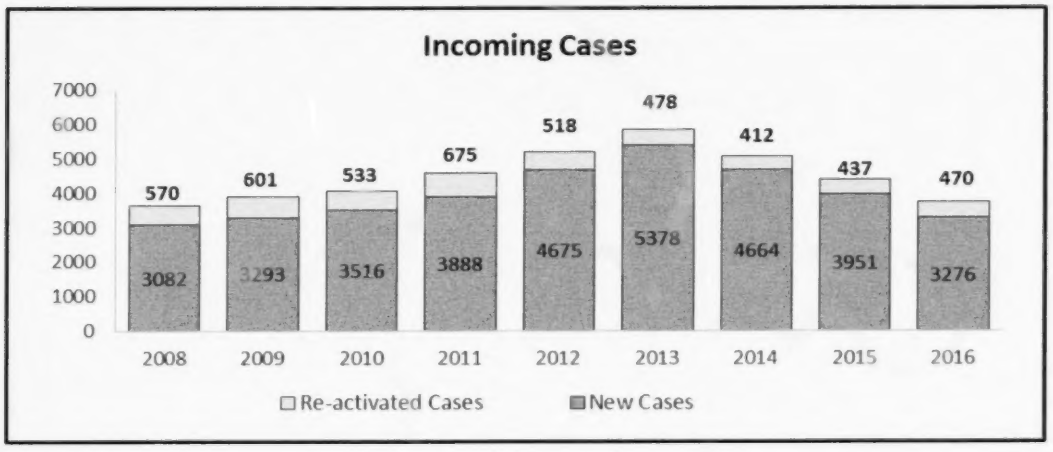
Period	Inactive Inventory
Q1-2015	2006
Q2-2015	1890
Q3-2015	1798
Q4-2015	1749
Q1-2016	1756
Q2-2016	1784
Q3-2016	1717
Q4-2016	1685

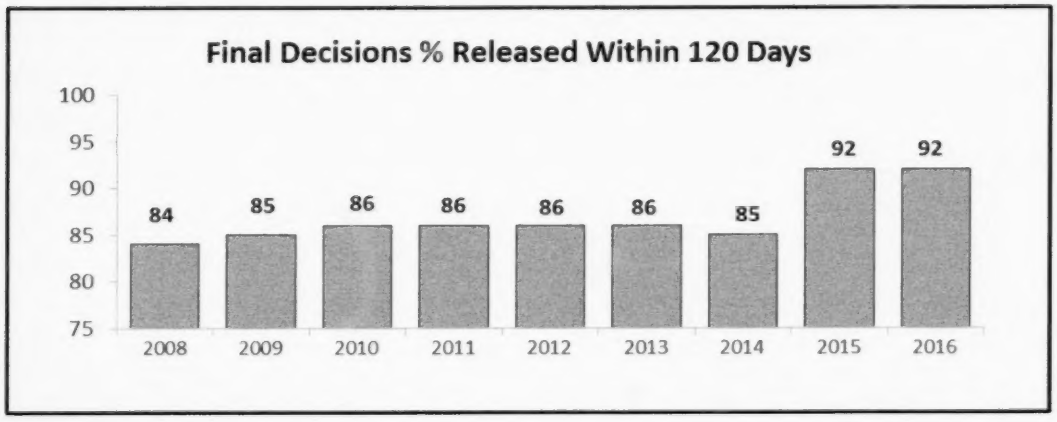
E. Notice of Appeal (Dormant cases)

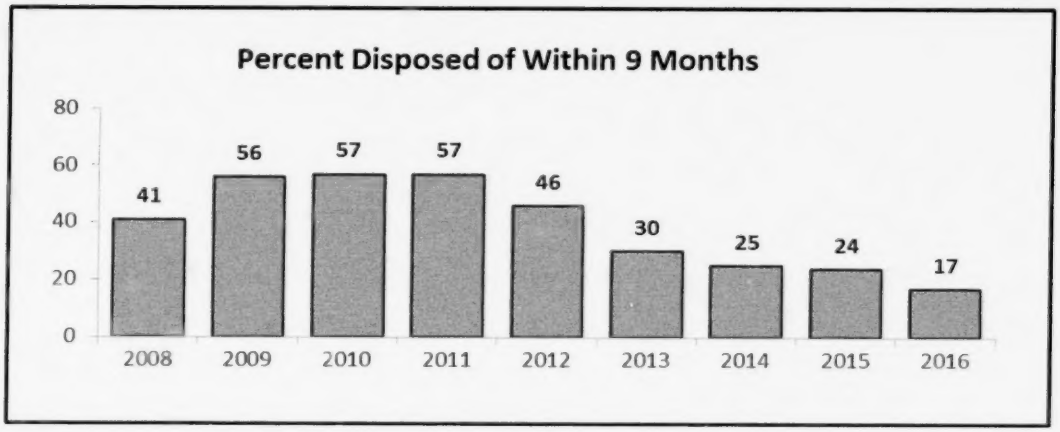
Period	Total Dormant	Change from Previous Quarter
Q1-2015	1644	-95
Q2-2015	1524	-120
Q3-2015	1410	-114
Q4-2015	1273	-137
Q1-2016	1159	-114
Q2-2016	1152	-7
Q3-2016	1157	5
Q4-2016	1226	69

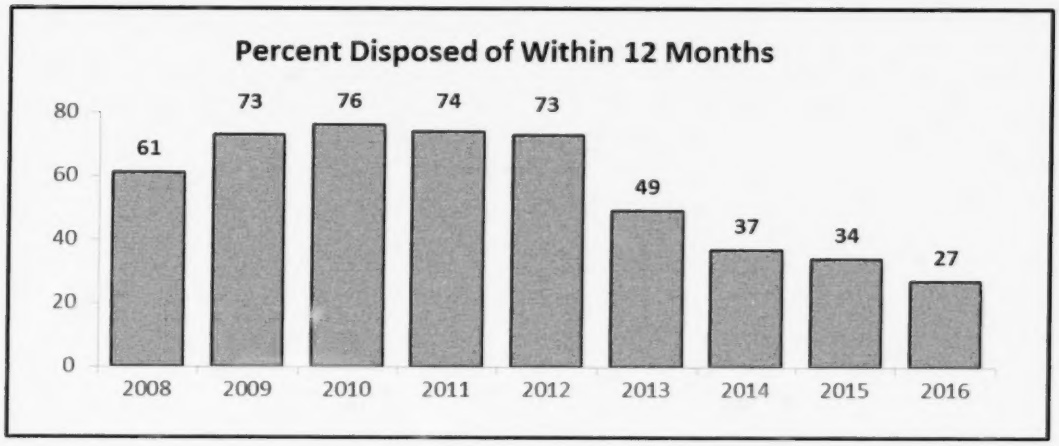
F. Production Charts: From 2008 to 2016

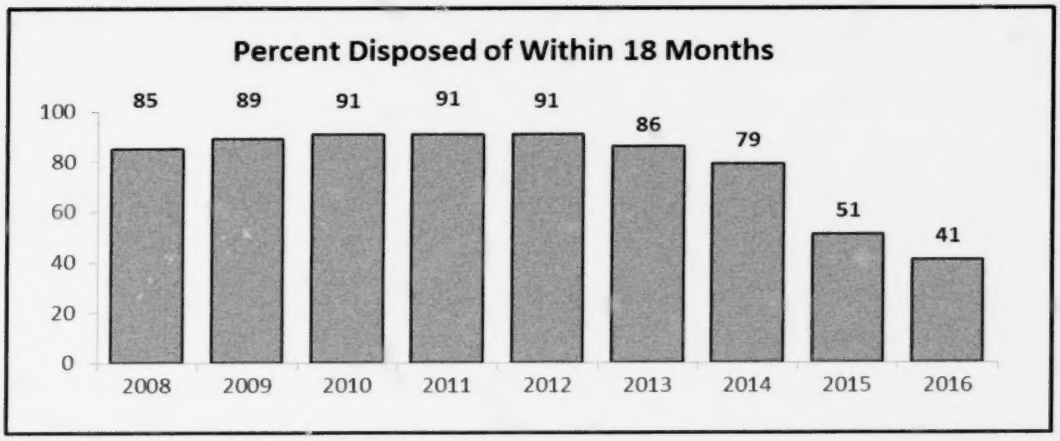


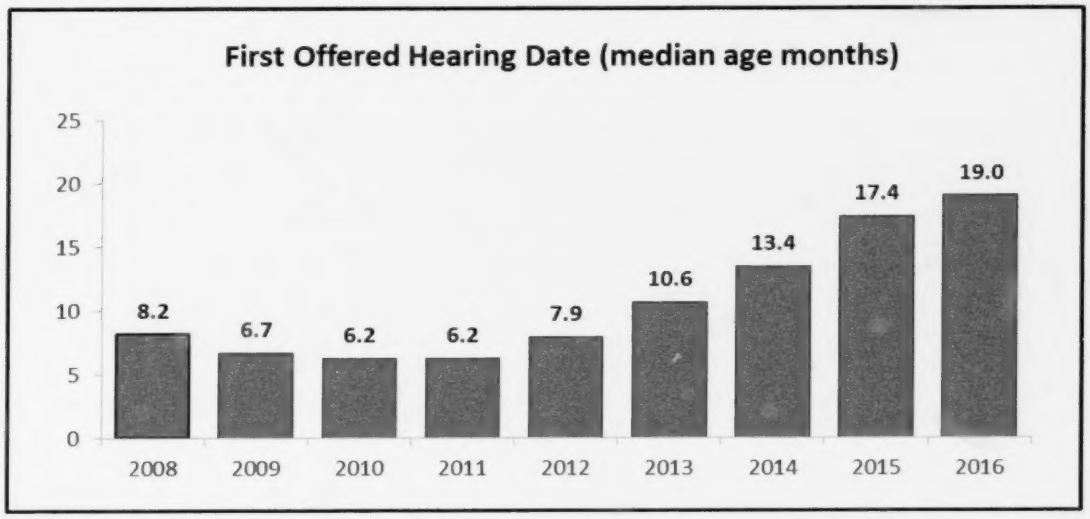





Percent Disposed of Within 9 Months
80
60
40
20
0
41
56
57
57
46
30
25
24
17
2008
2009
2010
2011
2012
2013
2014
2015
2016


Percent Disposed of Within 12 Months
80
60
40
20
0
61
73
76
74
73
49
37
34
27
2008
2009
2010
2011
2012
2013
2014
2015
2016





WSIAT
[March 2017]